
STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: June 7, 2006

ZONING MAP AMEND: Z-301
SCHEM. DEV. PLAN: SDP-05-003

TITLE: Casey East

REQUEST: RECOMMENDATION TO M&C

ADDRESS: Northwest Corner MD 355 and Watkins Mill Road

ZONE: I-3 (Industrial Office Park) to MXD (Mixed Use Development) Zone

APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER: (as applicable)

Owner/Developer:	BP Realty Investments, LLC – Peter Henry
Engineer:	Rodgers Consulting – Gary Unterberg
Attorney:	Miller, Miller & Canby – Jody Kline

STAFF PERSON: Caroline Seiden, Planner

Enclosures:

Staff Analysis
Index of Memoranda for Z-301, with attached exhibits highlighted
Index of Memoranda for SDP-05-003, with attached exhibits highlighted

A staff analysis for Z-301 and SDP-05-003 is attached, along with exhibits received since the April 24, 2006 joint worksession of the Mayor and City Council and the Planning Commission. Staff is seeking a recommendation on both applications to the Mayor and City Council.

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Planning Commission and Mayor and City Council

FROM: Caroline Seiden, Planner

DATE: June 1, 2006

SUBJECT: Staff Analysis Z-301 & - BP Realty Investments, Inc.
SDP-05-003 - Requests for rezoning of 40.10 acres of land known as Casey East Property, from the I-3 to the MXD Zone; and for schematic development plan (SDP) approval for a mix of uses that include 382 residential units, office, restaurant, retail, service station, and public uses. The property is located northwest of the Md. Rte. 355/Watkins Mill Road intersection, Gaithersburg, Maryland.

APPLICANT/OWNER:

BP Realty Investments, LLC
10000 Falls Road
Suite 100
Potomac, Maryland 20854

REQUEST:

BP Realty Investments, LLC ("applicant") is requesting a map amendment to rezone approximately 40.10 acres designated as Parcels 360, 563 and N455, in the City of Gaithersburg, from the existing I-3 (Industrial and Office Park) Zone to MXD (Mixed Use Development). The applicant has also submitted a Schematic Development Plan for the subject property, SDP-05-003, concurrently with the rezoning application.

LOCATION:

The subject property ("Property") is located east of Interstate 270 and west of Route 355, and is bounded on the west by Route 355, to the north by P 370 & P 182 (Potomac Electric Power Co.), and to the east by parcel N391 (Colonial Pipeline Co.), Parcels N526 and N417 (Humane Society of the United States), and Interstate 270. The Property is currently bounded on the south by parcel N860 (Monument Realty), but will be bounded on the south by the future Watkins Mill Road extended.

TAX MAP REFERENCE:

Tax Sheet FT 343 and FT 123.

BACKGROUND:

The subject Tax Parcels, originally a portion of tax parcel 910 have been within the boundaries of the City of Gaithersburg for many decades. By the early 1950's, the property was held by members of the Casey family, who provided land in 1955 for the construction of what is now Interstate 270. This conveyance split the parcel, originally P910 into two, with I-270 running between them. Parcel P910 east of I-270 was renamed P563 and P360 in 2004 and is currently held by BP Realty Investments, LLC.

N455 (formerly Outlot 1B) is a sliver tract that at one time acted as a service road utilized to provide access to a field on what is now home to the Humane Society of the United States (HSUS) office building. This service road fell into disuse several years ago with the construction of Professional Drive and the Humane Society of the United States (HSUS) facility.

In 2002 a portion of the property was the subject of rezoning application Z-294, which requested a rezoning of 23.4 acres from I-3 to C-2 zoning, using the optional method of development. The rezoning request was for the commercial portion of an overall proposed commercial mixed-use development. The proposed project also included several R&D office buildings which received concept plan approval (CSP-02-001) in July 2002. Concept Plan CSP-02-001 never proceeded past the concept plan stage of development.

In May 2005, Gary Unterberg of Rodgers Consulting, Inc., representing the applicant Peter Henry, BP Realty Investments, submitted a new application for rezoning the entire 40.10 acres from I-3 (Industrial Office Park) Zone to the MXD (Mixed Use Development) Zone. Concurrently, an application for schematic development plan, SDP-05-003, for a mixed use complex was submitted. A request to withdraw Z-294 was submitted with the new application and a Resolution of Withdrawal (R-4-06) was adopted by the Mayor and Council on January 17, 2006.

The Mayor and City Council and Planning Commission held a consolidated joint public hearing for map amendment application Z-301 and SDP-05-003 on June 20, 2005. Based on Mayor and City Council and Planning Commission guidance, the plan was revised to include a greater mix of uses. These revisions were reviewed during a second joint work session on January 9, 2006. During the course of this work session, the Mayor and City Council and Planning Commission raised a number of concerns about the revised plan, including access to the proposed 6th District Police Station, insufficient green space, overall residential density, incompatible housing types, lack of a meaningful affordable housing component, too few restaurants, the inclusion of a hotel, and traffic impacts, particularly at the intersection of North Frederick Avenue (MD 355) and Montgomery Village Avenue (MD 124). Two additional meetings were held regarding this application, a discussion item at the March 20, 2006 regularly scheduled meeting of the Mayor and City Council, and another work session on April 24, 2006, during which time the applicant was given further guidance regarding the planned development.

On May 17, 2006 the applications Z-301 and SDP-05-003 are before the Planning Commission for recommendation to the Mayor and City Council. The two applications are tentatively scheduled to be before the Mayor and City Council for policy discussion on June 5, 2006.

EXISTING LAND USE/PHYSICAL CHARACTERISTICS:

The Property is irregular in shape and is bounded on the east by a public right-of-way (Rt. 355), to the south by a future public right-of-way (Watkins Mill Road) and property owned by IBM, to the north by a public utility line, and to the west by a future public right-of-way (Professional Drive), the Humane Society of the United States (HSUS) office building and a utility industrial use (gas line pumping substation). Currently, the 40.12± acre Property is undeveloped and contains a combination of an active agricultural field, open land and forested area. The 20.47 acre forested area found on site has been categorized "Mature Oak/Poplar Forest," with no rare or threatened species of plant or trees found on the site. There are no structures on the site.

The slopes range from 0-25% with moderate slopes dominating and steep slopes concentrated near the stream valleys and the associated buffers. The Property drains into the main stem of Great Seneca Creek and its tributaries through a stream that originates on the site and drains primarily to the north. The Natural Resource Inventory (NRI) has established a 5.86 acre stream valley buffer which is comprised of stream setbacks, steep slopes and floodplains setback. Approximately 3.46 acres of FEMA mapped 100-year floodplain are located within the stream valley buffer.

The soils found on the Property are: Gaila silt loam (1C); Glenelg silt loam (2B); Baile silt loam (6A); and Occoquan loam (17C); and Brinklow-Blocktown channery silt loam (16D) The Brinklow-Blocktown channery silt loam has been identified by the United States Department of Agriculture, Soil Conservation Service as having the potential of being highly erodible. As part of the NRI, specific geo-technical studies were conducted for the soils mapped as 16D, including soils boring test pits, to determine erodibility. The results of the study determined that the 16D soils are not to be considered highly erodible.

The NRI/FSD report goes into further detail regarding Streams and Floodplains, Soils, Wetlands, Forests & Trees, Rare, Threatened, or Endangered Species, Existing Wildlife, Stream Quality, Significant Views or Vistas and Historical Significance. A copy of the report may be reviewed at the offices of the Planning and Code Administration and is part of the record file.

PROPOSED ZONING:

Current zoning for the three properties is as follows:

Parcel	Area	Existing Zone
P563	20.78 acres	I-3 Zone
N455	.43 acres	I-3 Zone
P360	18.91 acres	I-3 Zone

The applicant, BP Realty Investments, LLC, is requesting to rezone approximately 40.1 acres (Parcels 360, 563 and N455), in the City of Gaithersburg, from the existing I-3 (Industrial Office Park) Zone to MXD (Mixed Use Development) Zone.

The Sketch Plan, submitted as part of Z-301, proposes a mix of uses, including 382 residential units, 116,400 square feet of commercial uses, including restaurant and retail, 70,100 square feet of office and dedication of land for 39,200 square feet of public uses, including a 6th District Montgomery County Police Station and a 10,000 square foot Senior Center. The project is proposed to be developed in two phases. Phase 1 is proposed to be developed prior to the construction of a new I-270 interchange at Watkins Mill Road Extended. Phase 2 would be developed in conjunction with the commencement of construction of the Watkins Mill Road interchange.

The following is a breakdown of uses for the development:

Residential

Unit Type	Number of Units
Age-restricted (55 and older) Condominium	140
Condominium	242
TOTAL	382

Commercial and Public Use

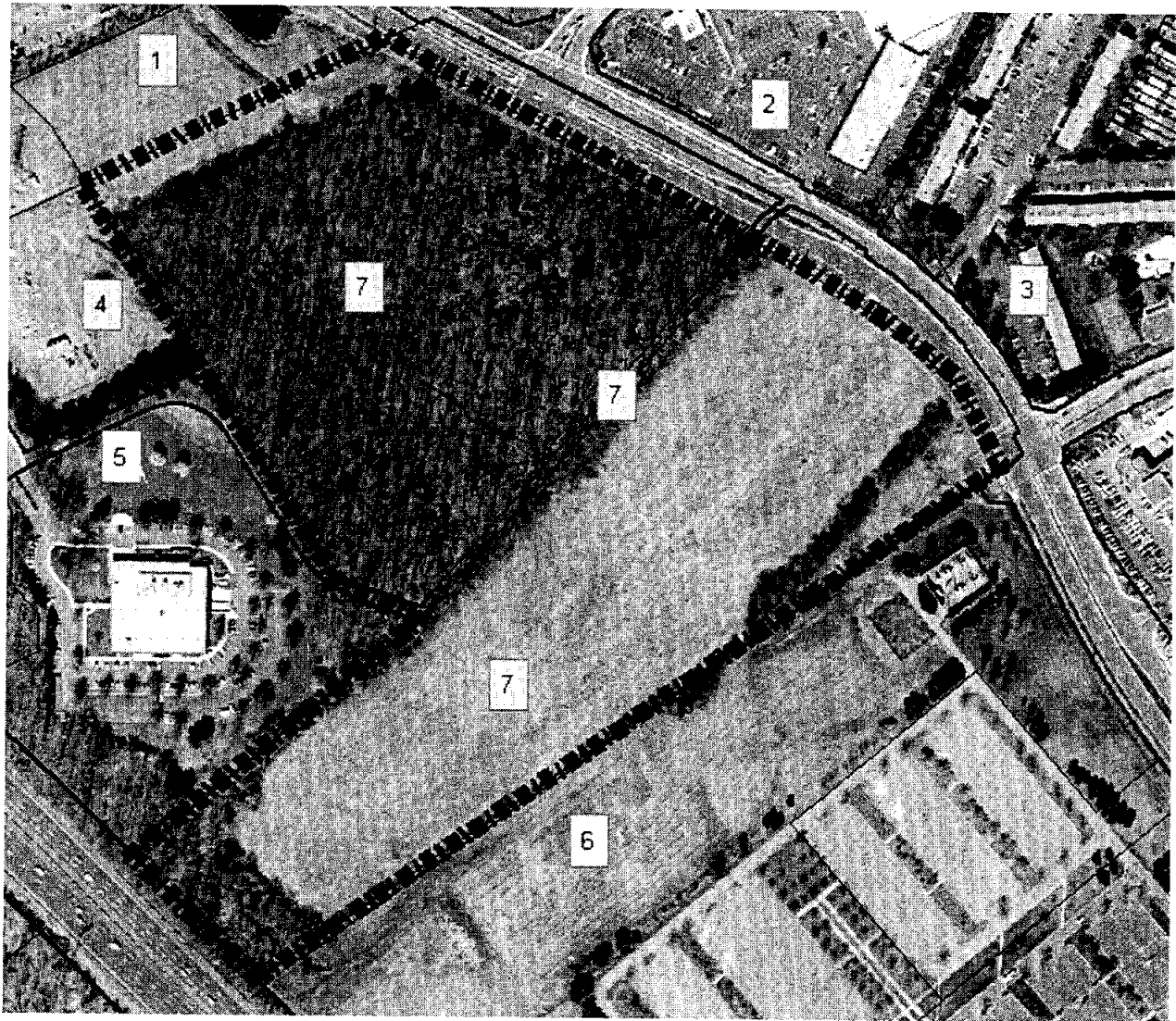
Use	Square Footage
Mixed Use (restaurant, retail, commercial)	116,400
Office	70,100
Public Use	39,200
TOTAL	225,700

Further analysis of the proposed development and its phasing is discussed beginning on page 11 of this report.

MASTER PLAN AND ZONING:

The Property is located within *Special Study Area 6, Frederick Avenue North*, of the 2003 Land Use Element of the City of Gaithersburg Master Plan. This special study area has not yet been completed. Zoning for the property remains unchanged from the 1997 Master Plan, at which time it was part of *Neighborhood Six, Study Area 3, Map Designation 6*. The 1997 Master Plan adopted a “commercial/industrial-research-office” land use designation, while retaining the I-3 (Industrial Office Park) zone already in place.

The Property is also located within the Northern Employment District of the *Frederick Avenue Corridor Land Use Master Plan*, a portion of which was adopted as a Special Study Area to the Master Plan for the City of Gaithersburg in 2001. The Corridor Master Plan identified the property as a “future mixed-use development parcel. Uses should include commercial, residential and retail.” Buildings are intended to be placed along the edges of the site with parking located behind the buildings. Recommendations in the Corridor Plan for development within 600 feet of Frederick Avenue, including design, building placement, landscaping, pedestrian orientation, open space, and proposed uses (residential and retail) have been incorporated into the proposed Casey East development.



Zoning: City R-A (Low Density)	Land Use: Vacant (PEPCO Property)
Zoning: City C-2 (General Commercial)	Land Use: Commercial (Shopping Center)
Zoning: City R-18 (Medium Density)	Land Use: Residential (SF Attached)
Zoning: City MXD (Mixed Use)	Land Use: Industrial (Colonial Pipeline)
Zoning: City MXD (Mixed Use)	Land Use: Office (Humane Society)
Zoning: City I-3 (Industrial Office Park)	Land Use: Office (Monument)
Zoning: City I-3 (Industrial Office Park)	Land Use: Vacant (Z-301/SDP-05-003)

A Frederick Avenue Linear Park along the Casey East property fronting Route 355 was envisioned as part of the Frederick Avenue Corridor Plan. However, due to construction of a substantial bike path along Route 355 after the Corridor Plan was completed, the width envisioned for the linear park was reduced. Additionally, the preservation of a 5.86-acre stream

valley in the interior of this project was not considered at the time the linear park was recommended. The applicant has proffered to provide a landscaped buffer parallel to the existing bike path in lieu of the linear park so that the bulk of the passive open space can be relocated to the stream valley buffer. Staff concurs with the applicant that the preservation of the stream valley is of greater environmental importance than the linear park, while also providing adequate passive open space for the proposed development.

COMPLIANCE WITH MASTER PLAN THEMES

As part of the review of this application, the applicant provided an analysis of how the application meets the Master Plan themes adopted in October 2002. The entire analysis is included in the record and is summarized below:

Identity

- Enhanced streetscape, an appropriate mix of uses, with attractive public areas to include a performer's park, is provided.
- Located near the City's northern border and on a future interchange, the project will provide an attractive entry point for visitors to the City of Gaithersburg

Redevelopment

- This redevelopment theme calls for high quality infill development

Town Centers

- The Exchange at Watkins Mill is a mini-town center that will support and enhance the recently approved Casey West Town Center.

Environment

- With the exception of a necessary water and sewer connection, stream valley is protected.
- Reforestation requirements to be met on site.
- Will incorporate sustainable design principles in each building, and have committed to constructing a LEED certified office building at the site.

Transportation

- Gives future residents the opportunity to live near their work and provides an attractive housing opportunity for future workers at the Monument office project
- Approval will result in the short term completion of six lanes of Watkins Mill Road extended and result in the State expediting funding for the new interchange
- Proposed start-up funding of a Transportation Management District to mitigate trips at the intersection of MD 355 and MD 124

Community Facilities

- Project provides land for Sixth District Police Station to serve Gaithersburg residents and land for a Senior Center

Housing

- Multi-family housing to support and enhance Casey West Town Center
- All units for sale
- All housing built on structured parking, a new housing product for the City
- Affordable and work-force housing components incorporated in each residential building

Economic Development

- Project will facilitate construction of Watkins Mill Road interchange, which will provide a regional benefit to the economy

Education

- Classroom capacity exists at all schools assigned to this location
- Age-restricted units also limits the number of school-age children projected to 12 elementary school students, six middle school students and seven high school students

REZONING (MAP AMENDMENT) JUSTIFICATION:

Under Maryland law, the burden of proof in a rezoning requires the applicant to demonstrate substantial change in the character of the neighborhood or a mistake in the original zoning or comprehensive rezoning. However, in the consideration of a “floating” zone rather than the usual Euclidean zone, the Maryland “change or mistake” rule does not apply to the granting or rejection of an application for this type of zone. Consequently, a rezoning to a “floating” zone can be made without reference to “change or mistake” [*Aubinoe v. Lewis*, 250 Md. 645, 244 A.2d 879 (1968)].

City of Gaithersburg Zoning Ordinance, Section 24-10A establishes the MXD zone as a floating zone. Section 24-10A.(2) states, “*The approval and placement of floating zones may only occur upon a finding by the city council that the application therefore:*

- a) Complies with the purposes and intent of the zone as stated in the zoning ordinance; and,*
- b) As applied will be compatible and harmonious with existing and planned land uses in the surrounding area.”*

The applicant has submitted evidence in support of the application indicating that the application does comply with the purposes and intent of the MXD zone and that the proposed development will be compatible and harmonious with existing and planned land uses in the surrounding area. This evidence has been in the form of testimony at the initial public hearing, an amended letter in support of the application (Exhibit # 75), and other information that is included in the public

record, including, approval of the final alignment of Watkins Mill Road Extended by Maryland State Highway, approval of numerous new office buildings in the neighborhood, and compliance with the Master Plan themes.

A summary of how the application complies with City of Gaithersburg Zoning Ordinance, Section 24-160D.1 follows:

- **Section 24-160D.1 states:**

It is the objective of the zone to establish procedures and standards for the implementation of master plan land use recommendations for comprehensively planned, multi-use projects. It is also intended that this zone provide a more flexible approach to the comprehensive design and development of multi-use projects than the procedures and regulations applicable under the various conventional zoning categories. In so doing, it is intended that this zoning category be utilized to implement existing public plans and pertinent city policies in a manner and to a degree more closely compatible with said city plans and policies than may be possible under other zoning categories.

The change from the I-3 Euclidian zone to the City's MXD floating zone will provide the Staff, Planning Commission, Mayor & City Council and the Applicant the ability to craft a higher quality, mixed-use product.

- **Section 24-160D.1(a) provides a purpose of the MXD zone shall be:**

To establish standards and procedures through which the land use objectives and guidelines of approved and adopted master plans can serve as the basis for evaluating an individual multi-use center development proposal, as well as ensuring that development proposed will implement the adopted master plan and other relevant planning and development policies and guidelines for the area considered for MXD zoning.

The development application processed under the MXD zone provides the City with tools to address important master planning issues, both existing and currently under discussion, such as traffic mitigation requirements and affordable housing, which are not available under the I-3 Euclidian Zone.

- **Section 24-160D.1(b) provides a purpose of the MXD zone shall be:**

To encourage orderly, staged development of large-scale comprehensively planned, multi-use centers by providing procedures for various zoning and plan approvals, including development phasing.

The development application processed under the MXD zone provides the City an opportunity to review and approve development for this property. Under I-3 zone, a much less rigorous review process would be in place.

- **Section 24-160D.1(c) provides a purpose of the MXD zone shall be:**

To encourage design flexibility and coordination of architectural style of buildings and signage.

The development application processed under the MXD zone provides the City with both greater controls and more flexibility (including mixing of uses and setbacks) to produce a better-finished product than would be available under the I-3 Euclidian Zone.

- **Section 24-160D.1(d) provides a purpose of the MXD zone shall be:**

To ensure the integration and internal compatibility of applicable residential and nonresidential uses by providing a suitable residential environment that is enhanced and complemented by commercial, recreational, open space, employment and institutional uses and amenities within all land use components of the multi-use project.

The superior environment of a properly designed mixed use project can be seen in the many mixed-use communities developed in the City using the MXD zone, as opposed to the more isolated and sterile environment of a business park provided under the I-3 zone. The proposed development integrates residential, commercial and public uses in a manner that could not be accomplished under the I-3 zone.

- **Section 24-160D.1(e) provides a purpose of the MXD zone shall be:**

To assure compatibility of the proposed land uses with internal and surrounding uses by incorporating higher standards of land planning and site design than could be accomplished under conventional zoning categories and to provide a superior quality of development exceeding that which could be achieved under conventional zoning regulations and procedures.

The site is surrounded by properties developed under a variety of zones, including the MXD zone, and the use of the MXD zone will best permit the development of a plan that maximizes both the external and internal compatibility. Through the review and approval of design guidelines, required as part of this application, a superior quality of development is ensured.

- **Section 24-160D.1(f) provides a purpose of the MXD zone shall be:**

To encourage the efficient use of land by: locating employment and retail uses convenient to residential areas; reducing reliance upon automobile use and encouraging pedestrian and other non-vehicular

circulation systems; retaining and providing useable open space and active recreation areas close to employment and residential populations; and providing for the development of comprehensive non-vehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas, and public facilities.

The development application processed under the MXD zone allows for a mix of residential retail offices and institutional uses located in a manner convenient to each other on a pedestrian level, will provide better linkages, and will provide the opportunity for more open space to be preserved.

- **Section 24-160D.1(g) provides a purpose of the MXD zone shall be:**

To provide a superior natural environment by the preservation of trees, natural topographic and geologic features, wetlands, watercourses and open spaces.

The development application processed under the MXD zone will provide the opportunity for more open space to be preserved. Under the MXD zone, building heights beyond what would be permitted under the I-3 zone have made it possible to preserve the stream valley buffer, additional active and passive open space, and to provide all reforestation requirements on-site.

- **Section 24-160D.1(h) provides a purpose of the MXD zone shall be:**

To allow development only in a phased or staged fashion to ensure the adequacy of the provision of public facilities and the concurrent implementation of community amenities.

As noted earlier, the development application processed under the MXD zone provides the City with phasing tools not available under the I-3 Euclidian Zone. Phasing of this application will be coordinated with the development of the Watkins Mill Road interchange.

The Property is also compatible with and complementary to the existing and proposed development of the area. The site has office and industrial uses to the west, power lines to the north, office uses to the south, and a mix of a shopping center, attached housing and an auto dealer to the east across Route 355. The Sketch Plan and SDP address many of the Frederick Avenue Corridor Master Plan design requirements in a balanced and appropriate fashion, and incorporate enlarged building setbacks, additional landscaping, screening and buffering along Route 355 to soften the edge, among other items.

SCHEMATIC DEVELOPMENT PLAN ANALYSIS

The Schematic Development Plan, SDP-05-003, provides more detailed breakdown of uses, including a mix of restaurants, offices, retail and condominium units, a county police station, a City senior center, a service station and banking facilities, collectively served by a combination of surface and structured parking to be developed as part of an integrated mixed use development. More detailed phasing of the plan is presented below:

Staging and Phasing

Phase 1: Construction of Watkins Mill Road Extended

- 30,400 Square feet mixed use (retail, restaurant, commercial) – Buildings B, D, E, F, G, H, L, M, and S
- 29,200 Square feet County Police Station – Building P
- 10,000 Square Feet City Senior Center – Building Q
- 140 Condominium units over retail with parking deck (age restricted) – Building C
- 85 Condominium units over retail with parking deck – Building A

Phase 2: Commencement of Watkins Mill Road Interchange

- 8,900 Square feet mixed use (bank/service) – Buildings O and N
- 10,300 Square feet mixed use (retail/restaurant) – Buildings I and J
- 60,000 Square feet office – Building K
- 157 condominium units with parking deck – Building R

Staff has reviewed the proposed phasing for this development and is comfortable with the phasing as proposed. The current phasing represents a significant improvement over the applicant's initial phasing plan, which included all the residential, retail and restaurant components as part of Phase I. The current phasing plan allows for the completion of all uses fronting "Spectrum Avenue." The completion of the major internal street is an important factor in providing enough activity for the project to succeed, while still holding some of the more intense traffic generators, including the service station, office building and 157 residential units until the commencement of the Watkins Mill Road interchange.

Residential Density

As noted above, 225 of the 382 condominium units are proposed to be developed in Phase 1 of development. The units are to be built in two buildings (Buildings A and C), both of which will include first floor retail and structured parking. Building A is a five-story building facing both North Frederick Avenue to the northeast and the proposed Spectrum Avenue to the southwest. The applicant has provided cross sections of North Frederick Avenue at this location (Exhibit 128) to illustrate the grade difference between the road and the buildings.

Building C is proposed as a seven-story, age-restricted (55 years of age or older) building, facing Spectrum Avenue on one side and the stream valley to the rear of the building. The irregular "Z" shape of the building permits Building C to become a backdrop to the development's primary

public focal point, Performer's Park, at the corner of Spectrum Avenue and Restaurant Row. First floor retail space, which could include up to 15% restaurants, are incorporated in both Buildings A and C and help to define Spectrum Avenue and Performer's Park as attractive and active urban places.

A nine-story, 157-unit condominium building (Building R) on the west side of the stream valley is proposed as part of Phase 2. Each of the three residential buildings would also have a rooftop terrace above the parking deck. The terraces will be designed with a mix of natural and man-made plant materials, fountains, paths and passive recreation (Exhibits 131 and 132).

The applicant has worked with City staff to provide an affordable housing component that will be equally distributed among all three buildings as follows: 6.25% MPDUs, 6.25% Workforce Housing, and 5% Workforce Housing for income-qualified City employees, public safety workers or teachers.

The approximate breakdown of units for each building, under this scenario, would be as follows:

	Market Rate	MPDUs	Workforce	City Employees/ Public Safety/ Teachers	Total Units
Building A	71	5	5	4	85
Building C	115	9	9	7	140
Building R	129	10	10	8	157
Totals	315	24	24	19	382

Staff recommends, as a condition of the SDP approval, that the applicant continue to work with the City to develop the City's affordable housing program, in which this project would participate.

The applicant was given direction at the last worksession to provide an alternative residential plan in which Building C was eliminated and replaced by 31 loft townhome units with first floor retail. Exhibits 134 and 135 provide details on this plan. Under this scenario, the number of units in Phase 1 would be reduced from 225 to 116 units, none of which would be age-restricted.

Staff believes several key components to the application would be lost under this scenario, including the opportunity to develop age-restricted housing within walking distance of a proposed Senior Center. The reduction of 91 units also significantly reduces the number of affordable units provided at this site. Maintaining 140 age-restricted units in a seven-story Building C will also provide the proper backdrop for Performer's Park, offers more meaningful retail space with the opportunity for additional restaurant space, and will also be a major factor in creating an active street. Additional concerns regarding this scenario have been expressed by the applicant (Exhibit 101). The applicant's concerns regarding the loss of street activity and vision of Performer's Park as an active and urban space are shared by staff (see page 17 for additional description of Performer's Park).

Another option discussed was whether to reduce Building C to five stories. Staff also finds that maintaining Building C as seven stories is important for several reasons. The additional height allows for the building to be built with superior and longer lasting materials that will age better

and will also provide a more urban backdrop to the proposed Performer's Park. The reduction of 40 units also reduces the number of affordable units provided at this location. Staff feels that the loss of affordable housing units, higher-quality building materials, and an age-restricted housing component is not offset by any reduction in trips through temporarily failing intersections that the two alternative scenarios might produce.

Schools

The schools that currently serve the proposed development are Watkins Mill Elementary School, Montgomery Village Middle School and Watkins Mill High School. Information obtained from Montgomery County Public Schools (MCPS) indicates that enrollment projections show adequate capacity available at all levels throughout the six-year forecast period. The age-restricted units serve to significantly reduce the number of school-aged children that will reside in this development.

Commercial Uses

The current application includes over 186,000 square feet of commercial space, to include five individual restaurants, two bank buildings, an office building and a two-story retail anchor at the terminus of Spectrum Avenue. Additional restaurant space may also be included in first floor retail space of Buildings A, C, E, and G. Staff believes that the mix of office, retail and restaurant uses lining two major internal streets, Spectrum Avenue and Restaurant Row, one corner of which is anchored by Performer's Park, will provide both daytime and evening pedestrian activity to this project.

Transportation and Parking

The property has approximately 1500 +/- feet of frontage along North Frederick Avenue (MD Route 355) right-of-way and approximately 1600 +/- feet of frontage along the Watkins Mill Road Extended future right-of-way. Access to the site is proposed from Route 355 at both the existing stop light intersection of Route 355/Travis Avenue, as well as a right in/right out onto Rt. 355 approximately midway between Travis Road and Watkins Mill Road. In addition, access to the site is proposed from Watkins Mill Road approximately midway between Rt. 355 and the future entrance ramp to Interstate 270, utilizing the approved State Highway Alignment. This proposed entrance has been coordinated with that of the recently approved plan for the Monument Realty property to the south of the Property. In addition to the project's main entrance from Watkins Mill Road Extended, the plan proposes an entrance and exit onto Watkins Mill Road Extended for 'police vehicles only,' approximately midway between the entrance to the Site and the future entrance ramp to I-270 which would be preferred by the Montgomery County Police Department. This additional movement, along with a possible 'police only' crossover directly across from that entrance on Watkins Mill Road is subject to City, County and State approval as part of the finalized police station approval. Finally additional access to the site is proposed from the Property to Professional Drive through a road extension adjoining the Humane Society of the United States property during Phase I of the development.

Watkins Mill Interchange

The City of Gaithersburg is positioned as a major transportation gateway for commuters from the

surrounding region to pass through it, placing continuously increasing pressure on the existing transportation infrastructure. One of these important gateways is the intersection of MD 124/MD 355, which acts as the entry and exit point for Interstate I-270 as well as the major east/west connector for the City.

The applicant's Traffic Report and draft Transportation Demand Management Plan state that the Rt. 355/124 intersection is congested and will continue to experience increased congestion due to background traffic primarily from outside of the City's boundaries at an estimated two percent to three percent per year. Despite the Casey East project being phased so as to minimize the project's impact prior to the interchange's construction, the traffic analysis shows that the development of Casey East will increase the CLV congestion by approximately three percent in the AM and 3.7 percent in the PM rush hour.

To relieve this condition, the Maryland State Highway Administration, along with Montgomery County and the City of Gaithersburg, have targeted the construction of the new interchange at Watkins Mill Road and I-270, which will serve to provide both substantial relief to the Rt. 355/124 intersection as well as providing the City with a much needed additional east/west connector over I-270.

Crucial to the construction of the interchange is the construction of the Watkins Mill Road Extension leading up to the interchange, as well as portions of land for the interchange itself, which is proposed as part of the Casey East project. Testimony before the Mayor and Council at the April 24, 2006 worksession confirmed that the Maryland State Highway Administration is currently in the engineering phase for the Watkins Mill Road interchange; however, based on conversations with State Highway Administration officials and testimony given, both County and City staff do not believe the State will move forward with construction of the interchange until Watkins Mill Road extended is constructed. As indicated in the letter dated November 2, 2005 from then Montgomery County Council President Perez and County Executive Duncan, the Watkins Mill Road interchange project is now Montgomery County's third highest priority for State transportation improvements. It is also noteworthy that County Executive Duncan recently announced that part of the eighty million dollars of local money that he is proposing to use to accelerate State transportation projects will be for the Watkins Mill Road interchange.

The approval of Z-301 and SDP-05-003 would, as a condition of approval, provide the land necessary for the east connection necessary for the interchange. The dedication of land for Watkins Mill Road Extended (from MD 355 to I-270) is a part of the current application. Testimony has also been provided by Art Holmes and Edgar Gonzales of Montgomery County Department of Public Works and Transportation that the projected time frame of five to six years for the construction of the interchange could not begin until the necessary Watkins Mill Road Extensions were approved.

As part of the Casey West approval, BP Realty is required to construct four lanes of Watkins Mill Road Extended from Clopper Road to the interchange; however, subsequent to the approval, the County determined that Watkins Mill Road Extended should be six lanes to meet future traffic needs. Staff has held a series of meetings with Montgomery County and BP Realty concerning the possibility of an arrangement where a Memorandum of Understanding (MOU) could be developed to provide for the construction of all six lanes of Watkins Mill Road at both

Casey West and Casey East. Per the draft MOU (Exhibit 80), the road could be built at no cost to the City assuming BP Realty dedicates the land for the 6th District Police Station to the County. Completion of a final MOU is a condition of the SDP.

Route 355 is a State roadway and considered a Major Arterial road and has a dedicated right-of-way of that varies from approximately 140-150 feet. Route 355 is currently a six (6) lane road which is approximately 93 feet wide (curb to curb) north of its intersections with both Watkins Mill Road and Travis Avenue.

Watkins Mill Road extended is designed as an Arterial road (major highway), with an approved design from Maryland State Highway requiring a proposed dedicated right-of-way that varies from approximately 133-165 feet. Watkins Mill Road Extended is designed to be a six lane road with up to an additional three turn lanes near the intersections with Route 355 and I-270, resulting in a curb-to-curb measurement of that varies from 110-140 feet.

Professional Drive currently is a City road and is designated as a Minor Collector, calling generally for one lane in each direction. A secondary access from the site to Professional Drive is proposed through the completion of this road extension.

Interior Streets

Circulation through the development will be provided by two main interior streets, each of which has direct ingress/egress to either Route 355 or Watkins Mill Road. "Spectrum Avenue," running north/south, and the proposed "Restaurant Row," running east/west through the development will serve the majority of proposed uses. The paved portions of these streets are planned to be dedicated as public streets. However, the applicant will maintain ownership of the sidewalks and planting strips. On-street parking, sidewalks and planting strips are proposed for both streets, as well as several private streets, which will serve areas of the development without direct access to Route 355 or Watkins Mill Road.

The existing Professional Drive varies from 50-70 feet curb-to-curb, and acts as a collector for the Crown Point Office Complex directing traffic to the north onto Route 355. Half of the road right-of-way to connect Professional Drive to Watkins Mill Road Extended has already been dedicated, in accordance with the City's Transportation Master Plan, by the predecessors of the Humane Society. The current application proposes to complete Professional Drive as a public street with a 60-foot right-of-way from its current terminus at the Humane Society to a new terminus at Spectrum Way, thereby providing another means of access to both the Casey East development and the Crown Point Office Complex.

All internal roads maintain two lanes of traffic (one lane in each direction). Entrances to the development at Spectrum Avenue and Restaurant Row maintain four lanes of traffic to accommodate various turning movements into the development. A condition to revise the entrance at Restaurant Row at Watkins Mill Road Extended to accommodate additional right-turn movements onto Spectrum Avenue is included as a condition of the SDP. Many, if not all, of these roadways will require road code waivers to be granted by the City Council. A condition requiring the applicant to obtain road code waivers for these streets is also attached.

Traffic Study

The applicant has submitted a traffic study prepared by The Traffic Group, Inc (Z-301, Exhibit #73). Intersection Capacity Analyses were conducted to determine the existing and projected LOS for each of the following study area intersections: Route 355/Game Preserve Road, Route 355/Travis Avenue, Route 355/Watkins Mill Road, Route 355/Christopher Avenue, and Route 355/Route 124.

The results, recommendations and conclusions of the traffic study analysis have been provided. These results indicate that both phases of this development are projected to operate at satisfactory LOS during the peaks periods, with the exception of the intersection of MD 355 and Route 124 during the morning and evening peak period. That intersection has been improved to the maximum width, and relief for the intersection is to be provided through the construction of the proposed Watkins Mill Interchange at I-270. The completion of the Watkins Mill Road Interchange is projected by SHA to alleviate this morning and evening peak hour rush, and return all intersections to a level of service that is significantly improved from the existing conditions. A supplement to the Traffic Study also concludes that the proposed use would generate fewer trips than would be generated if the Property were developed with uses permitted under the existing I-3 zone.

Transportation Demand Management Plan

Staff will work with The Traffic Group to develop a *Transportation Demand Management Plan*, funded by the applicant in the amount of \$500,000.00, with the goal of reducing trips flowing through the N. Frederick Avenue (355)/Montgomery Village Avenue (124) intersection prior to the new interchange's construction.

Parking

A total of 1,960 parking spaces are provided in the SDP plan. Of these spaces, 1,820 are available for the residential and commercial components of the project. An additional 140 spaces in a secured surface parking lot are for the exclusive use of the staff of the proposed Police Station. These spaces were not included in any of the shared parking or surplus parking calculations.

The SDP Plan provides parking for the condominium units within the each of their respective attached structured parking decks in conformance with City code requirements. The parking for the majority of the office and first floor "urban core" retail/commercial uses will be provided in a combination of surface spaces and structured parking located below the office building (K) and the condominiums. The application provides that a portion of the structured deck under Building K will be built as part of Phase 1 to meet City Parking requirements for the retail and restaurants proposed for Phase 1. Staff has requested that a parking distribution plan be submitted as part of the final site plan review in order to ensure that parking for various uses is distributed properly throughout the project.

There is a 22 space parking surplus in Phase 1 and a 9 space surplus as part of Phase 2.

Staff finds that no appropriate parking ratio for the proposed senior center exists within the City of Gaithersburg Zoning Ordinance and therefore, directed the applicant to use a ratio of one space to 250 square feet, which is utilized by Montgomery County for similar uses.

Ride-On

The proposed plan designates bus stop locations along Watkins Mill and Route 355. The applicant will continue work with the Montgomery County Ride-On during the final site plan process to determine potential bus stop locations and routes.

Planned Amenities

Open Space

The plan meets or exceeds the MXD zone requirement for Open Space. The applicant is preserving a 5.86 acre stream valley buffer as passive open space and is also preserving additional forested land (outside of the stream valley buffer or environmental controlled areas) as open space along the northwest portion of the Site. These areas will be placed into a conservation easement for permanent protection. A pedestrian pathway will be constructed across the stream valley buffer, which will provide connectivity between the east and west portions of the development and also provide the residents and visitors an opportunity to enjoy the stream valley.

Performer's Park

The major active focal point for the development is a roughly one-quarter acre Performer's Park at the northwest corner of Spectrum Avenue and Restaurant Row. The park, framed and activated by first floor retail and restaurant uses on two sides by Building C, is proposed as a space with both programmed events/performances within a performance space and an open green space for residents, visitors, and workers to enjoy the outdoors. Staff has noted that the more informal, illustrative streetscape, initially shown at the January 9th worksession (SDP-05-003, Exhibit #130) is preferable to the more formal plan view of the space shown at the April 24th worksession (SDP-05-003, Exhibit #132). A final plan for Performer's Park will be included as part of the final site plan review.

Senior Center

The applicant will dedicate the land and provide parking for a 10,000 square foot City Senior Center.

Residential Amenities

Building C amenities include a pool, bathhouse, and tennis courts adjacent to the building. Meeting rooms would also be incorporated into the building. Amenities for Buildings A and R will be included within the buildings and will be determined at the final site plan phase. In addition, each residential building will include a rooftop terrace above the parking deck. The terraces will be designed with a mix of natural and man-made plant materials, fountains, paths and active and passive recreation space (SDP-05-003, Exhibits #131 and #132). The terraces

serve the dual purpose of providing additional open space for the residents and a more visually interesting and appealing view for residences facing the parking decks.

Stormwater Management

The applicant is proposing two large stormwater (dry) ponds and one small underground facility for the development. Groundwater recharge by the use of infiltration must be included on this site. PWPME initially reviewed and approved a concept stormwater management plan in November 2002 when the previous application (Z-294) was under review. Since that time, the building locations have been revised and a new concept stormwater management plan reflecting these changes must be submitted for reapproval as a condition of SDP approval. Revisions to the plan since the concept stormwater management plan was first approved could require changes to the sizing or location of the ponds, which could, in turn, affect building square footages and parking counts. Should this occur, the applicant would be required to obtain an amendment to the SDP.

The final stormwater management design will continue to be refined by the applicant and PWPME as the process continues for the proposed development. The final stormwater design must ultimately be approved by PWPME and Staff at the final site plan stage and prior to the issuance of any on-site or building permits.

Natural Resource Inventory/Forest Stand Delineation

Rodgers Consulting, Inc. completed a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) report. The methodologies used to conduct the studies within this report conform to the methods and procedures set forth in the following Guidelines and Manuals. The wetland delineation was conducted in accordance with the United States Army Corps of Engineers (COE) 1987 manual. Wildlife inventories were conducted in accordance with methods and procedures accepted by the United States Department of the Interior, Bureau of Land Management and Fish and Wildlife Service. The NRI/FSD report and plan for Casey East and Casey West was submitted and approved on December 2, 2004 with four conditions:

1. A noise study is required per Section 34 of the Environmental Standards for Development Regulation.
2. A Wildlife Management Plan is required per Section 31 of the Environmental Standards for Development Regulations.
3. A Danger Reach/Dam Break Analysis is required per Section 29 of the Environmental Standards for Development Regulations.
4. Wetland boundaries and associated buffers to be confirmed by the U.S. Army Corps of Engineers; a jurisdictional determination (J.D.) request is pending review. (*relevant to Casey West*)

The results of the Wildlife Inventory revealed that the site contains the typical array of urban wildlife species. Of the species found, none are unusual or unexpected within this area. The boundary survey for the Site was prepared by Rodgers Consulting, Inc. Topography for the Site and surrounding areas shown was prepared aerially by Photographic Data Services.

Staff is still working with the applicant with regards to the Wildlife Management Plan and other elements of the NRI/FSD approval. These conditions should be completed and approved by the City prior to final site plan approval by the Planning Commission.

Environment

The plan meets or exceeds the MXD zone requirement for Open Space. The applicant is preserving the stream valley buffer areas as open space and is also preserving forested land (outside of the stream valley buffer or environmental controlled areas) as open space along the northwest portion of the Site. These areas will be placed into a conservation easement for permanent protection. Staff will continue to work with the applicant to develop a Forest Conservation Plan that minimizes grading and disturbance in order to satisfy forest conservation requirements onsite and save specimen trees, when feasible.

The plan identifies a sewer crossing, two stormwater management outfalls, and a pedestrian pathway crossing within the stream valley buffer. In addition, City staff has been working with the applicant to reduce the height and number of retaining walls located along the stream valley buffer. The applicant must provide a waiver application with a mitigation plan for the proposed environmental waivers. The waivers must be reviewed and approved by City staff before being ultimately approved by the Mayor and City Council.

Architecture/Art in Public Places

The applicant has provided conceptual building elevations and draft design guidelines for the development, drawn largely from those developed for the Casey West Watkins Mill Town Center project. All buildings will have four-sided architecture. The City staff has been working with the applicant to revise and improve these guidelines, and will continue to do so through the Final Site Plan process. The applicant has provided locations for Art for Public Places (AIPP) within the development. The applicant should continue to work with City staff and AIPP committee on the AIPP plan and to commit an AIPP funding amount to be approved by City staff and AIPP committee.

STAFF RECOMMENDATION:

The Planning Commission is providing a recommendation to the Mayor and Council for the zoning map amendment Z-301 and Schematic Development Plan SDP-05-003 tonight.

Z-301

Staff finds that the proposed zoning map amendment, Z-301 is in keeping with the concept of a mixed use development and meets the general intent of the MXD Zone, the Frederick Avenue Corridor Plan, and the Master Plan Themes. Staff further recommends that the Planning Commission give a favorable recommendation of the development proposal to the Mayor and Council for Z-301 with the following conditions:

1. The project shall be phased as follows:

Phase 1 commences at approval of the SDP (Exhibit A), and shall permit the following:

Buildings and associated infrastructure: Building A-1 (Office/Bank); Building A (office and residential condos above deck), Building B (restaurant), C (residential condo, required to be age restricted, with retail above deck including associated clubhouse, pool and tennis court), Building D (restaurant), Building E (retail), Building F (retail), Building G (retail), Building H (restaurant), Building L (restaurant), Building M (retail), Building P (Police facility and associated future parking deck), Building Q (city senior center), parking decks under future Building K and all other parking and related facilities for the above, as required. Provided that the number of available parking spaces provided never falls below the required number of parking spaces, parking may be initially constructed as surface parking to City standards and then replaced with buildings and structured decks as shown on the SDP.

Phase 2 commences at beginning of construction of the Watkins Mill Road Interchange and shall permit the following:

Buildings: I (restaurant), J (retail), K (Office above deck); N (service station), and O (bank), and R (residential condos above deck) and parking and related infrastructure for the above, as required. Provided that the number of available parking spaces provided never falls below the required number of parking spaces, parking may be initially constructed as surface parking to City standards and then replaced with buildings and structured decks as shown on the SDP.

The property included in the Second Phase is intended to be fully developed and not held as open space (except as shown on the submitted SDP), and such development density noted above is intended to commence construction concurrent with the commencement of construction of the Watkins Mill Interchange. If the Watkins Mill Interchange project has not commenced on or before March 1, 2015 or is abandon by the Maryland SHA, the Developer may apply to the City for an amendment to the Sketch Plan.

2. Final Memorandum of Understanding between the City of Gaithersburg, Montgomery County and the applicant regarding the construction of Watkins Mill Road extended to be executed prior to the approval of final site plan;
3. As part of the SDP approval, the applicant shall enter into an Agreement of Dedication requiring Applicant to place into reservation for dedication that portion of the Property as shown on the SDP for (i) the Watkins Mill Interchange, (ii) the 6-9 lanes for Watkins Mill Road Extended (iii) the Montgomery County 6th District Police Station, and (iv) the City of Gaithersburg's Senior Center. Applicant shall then upon request by the appropriate entity, dedicate at no cost that portion of the property for construction of (i) the Watkins Mill Interchange to the State of Maryland or its affiliate, (ii) the 6-9 lanes for Watkins Mill Road Extended to the State of Maryland (or its affiliate), Montgomery County or the City of Gaithersburg, as they ultimately agree, (iii) the Montgomery County 6th District Police Station to Montgomery County, and (iv) the Senior Center to the City of Gaithersburg.
4. The applicant will be obligated to construct as part of the approved development two lanes of Watkins Mill Road Extended. Applicant shall also continue to work in good faith with Montgomery County and the City of Gaithersburg to construct such 6 thru lane road under the terms of the proposed MOU.

5. The applicant shall place all environmentally sensitive areas, as identified on the schematic development plan under a permanent conservation easement to be recorded on a plat. The Applicant and its successors and assigns shall own and be responsible for maintaining all areas within the conservation easement and shall be entitled to reimbursement from the other owners and tenants within the project under terms of the leases and other agreements;
6. The applicant shall, as part of the Agreement of Dedication, provide the following as part of the proposed residential component within the development: 6.25% MPDU's, 6.25% Affordable Housing and 5% Workforce Housing for each residential building under the City's Affordable Workforce Housing Program. Applicant shall continue to work with staff to finalize an Affordable Workforce Housing Program;
7. Applicant to work with staff to develop, fund and implement a Transportation Demand Management Plan to mitigate the affects of the proposed development on surrounding intersections. A Transportation Demand Management Plan shall be operational at the time that the first tenant/resident becomes operational;
8. Applicant to record Declaration of Restrictions, Covenants and Easements prior to the issuance of any site development permits.

SDP-05-003

Staff further recommends that the Planning Commission give a favorable recommendation of the development proposal to the Mayor and City Council for the Schematic Development Plan, SDP-05-003, with the following conditions:

1. The project shall be phased as follows:

Phase 1 commences at approval of the SDP (Exhibit A), and shall permit the following:

Buildings and associated infrastructure: Building A-1 (Office/Bank); Building A (office and residential condos above deck), Building B (restaurant), C (residential condo, required to be age restricted, with retail above deck including associated clubhouse, pool and tennis court), Building D (restaurant), Building E (retail), Building F (retail), Building G (retail), Building H (restaurant), Building L (restaurant), Building M (retail), Building P (Police facility and associated future parking deck), Building Q (city senior center), parking decks under future Building K and all other parking and related facilities for the above, as required. Provided that the number of available parking spaces provided never falls below the required number of parking spaces, parking may be initially constructed as surface parking to City standards and then replaced with buildings and structured decks as shown on the SDP;

Phase 2 commences at beginning of construction of the Watkins Mill Road Interchange and shall permit the following:

Buildings: I (restaurant), J (retail), K (Office above deck); N (service station), and O (bank), and R (residential condos above deck) and parking and related infrastructure for the above, as required. Provided that the number of available parking spaces provided never falls below the

required number of parking spaces, parking may be initially constructed as surface parking to City standards and then replaced with buildings and structured decks as shown on the SDP.

The property included in the Second Phase is intended to be fully developed and not held as open space (except as shown on the submitted SDP), and such development density noted above is intended to commence construction concurrent with the commencement of construction of the Watkins Mill Interchange. If the Watkins Mill Interchange project has not commenced on or before March 1, 2015 or is abandoned by the Maryland SHA, the Developer may apply to the City for an amendment to the Sketch Plan;

2. Final Memorandum of Understanding between the City of Gaithersburg, Montgomery County and the applicant regarding the construction of Watkins Mill Road extended to be executed prior to the approval of final site plan;
3. As part of the SDP approval, the applicant shall enter into an Agreement of Dedication requiring Applicant to dedicate at a future time that portion of the Property as shown on the SDP for (i) the Watkins Mill Interchange, (ii) the 6-9 lanes for Watkins Mill Road Extended (iii) the Montgomery County 6th District Police Station, and (iv) the City of Gaithersburg's Senior Center. Applicant shall then upon request by the appropriate entity, dedicate at no cost that portion of the property for construction of (i) the Watkins Mill Interchange to the State of Maryland or its affiliate, (ii) the 6-9 lanes for Watkins Mill Road Extended to the State of Maryland (or its affiliate), Montgomery County or the City of Gaithersburg, as they ultimately agree, (iii) the Montgomery County 6th District Police Station to Montgomery County, and (iv) the Senior Center to the City of Gaithersburg;
4. The applicant will be obligated to construct as part of the approved development two lanes of Watkins Mill Road Extended. Applicant shall also continue to work in good faith with Montgomery County and the City of Gaithersburg to construct such 6 thru lane road under the terms of the proposed Memorandum of Understanding;
5. The applicant shall place all environmentally sensitive areas, as identified on the schematic development plan under a permanent conservation easement to be recorded on a plat. The Applicant and its successors and assigns shall own and be responsible for maintaining all areas within the conservation easement and shall be entitled to reimbursement from the other owners and tenants within the project under terms of the leases and other agreements;
6. The applicant shall, as part of the Agreement of Dedication, provide the following as part of the proposed residential component within the development: 6.25% MPDU's, 6.25% Affordable Housing and 5% Workforce Housing for each residential building under the City's Affordable Workforce Housing Program. Applicant shall continue to work with staff to finalize an Affordable Workforce Housing Program;
7. Applicant to work with staff to develop, fund and implement a Transportation Demand Management Plan to mitigate the affects of the proposed development on surrounding intersections. A Transportation Demand Management Plan shall be operational at the time that the first tenant/resident becomes operational;

8. Applicant to record Declaration of Restrictions, Covenants and Easements prior to the issuance of any site development permits;
9. Applicant shall be required to construct the tennis court, pool and clubhouse generally shown on the SDP concurrently with the construction of Building C condominium;
10. Applicant shall continue to work with staff to eliminate and/or minimize the use of the several remaining retaining walls proposed throughout the site during the final site plan process;
11. Applicant shall work with City Staff on the continued refinement of pedestrian and bicycle linkages between buildings and throughout and around the site. A final pedestrian/bicycle plan shall be reviewed as part of the final site plan;
12. Applicant shall work with City staff on location of paths adjacent to and traversing sensitive areas, including a sign program for such path, bike racks, etc., extending to and from the site and through the site during the final site plan stage;
13. The applicant shall receive final approval letters from appropriate utility agencies including, but not limited to, Washington Gas, PEPCO, Verizon, and WSSC prior to the issuance of Public Works permits for each phase;
14. The final utility plan shall be revised and approved by DPWPM&E prior to the issuance of Public Works permits for each phase;
15. Applicant shall obtain letter of approval from State Highway approval for access from MD Rte. 355 and for any grading/disturbance of the revertible slope easement along MD Rte. 355 prior to approval of final site plan;
16. Applicant must submit a preliminary/final stormwater management plan as part of the final site plan application;
17. Applicant must obtain approval of the preliminary Forest Conservation Plan prior to the submission of final site plan;
18. Applicant to work with staff on design guidelines, including a comprehensive sign package, to be adopted by the Planning Commission prior to final site plan approval;
19. Applicant must obtain approval of the environmental waiver and mitigation plan for any intrusion into the stream valley buffer, as recommended by Staff, from the Mayor and City Council during the final site plan stage;
20. Applicant must obtain road code waivers, as recommended by Staff, from the Mayor and City Council during the final site plan stage;

21. Applicant shall submit a noise analysis for current and future traffic noise impacts on the site and a noise abatement plan as part of the final site plan application. Noise abatement measures should seek to achieve the 65 dBA exterior noise guideline and the 45 dBA interior noise guideline. Prior to approval of building permits, there shall be a certification by a professional engineer with competency in acoustical analysis that the building shells will attenuate exterior noise levels to an interior level not to exceed 45 dBA Ldn. A final noise mitigation plan shall be reviewed and approved by staff prior to the issuance of building permits;
22. The developer, working with the City and a developer retained LEED certified professional shall submit LEED certified building plans for Building K (office) and incorporate architecturally acceptable and commercially reasonable LEED elements, such as healthy buildings, into the design of Building C (age-restricted condominium over retail and parking deck) and encourage sustainable design;
23. Applicant to ensure that the design of all multi-story buildings with ground floor retail includes proper venting ducts to allow restaurant use;
24. Preliminary road profiles and grades to be submitted as part of the final site plan application;
25. Applicant to work with staff to locate new bus shelters near the Travis Avenue and Watkins Mill Road entrances to the development. The bus shelters shall be the City prototype without advertising;
26. Applicant to provide Art in Public Places program and commit funding to be approved by city staff and AIPP committee during final site plan stage;
27. Applicant to redesign the intersection at Watkins Mill Road and Restaurant Row to accommodate additional right-turn movements onto Restaurant Row.
28. Multi-story buildings, with the exception of Buildings A and R, to be designed with proper venting ducts to allow for restaurant use;
29. Amenities for Buildings A and R to be defined at final site plan.